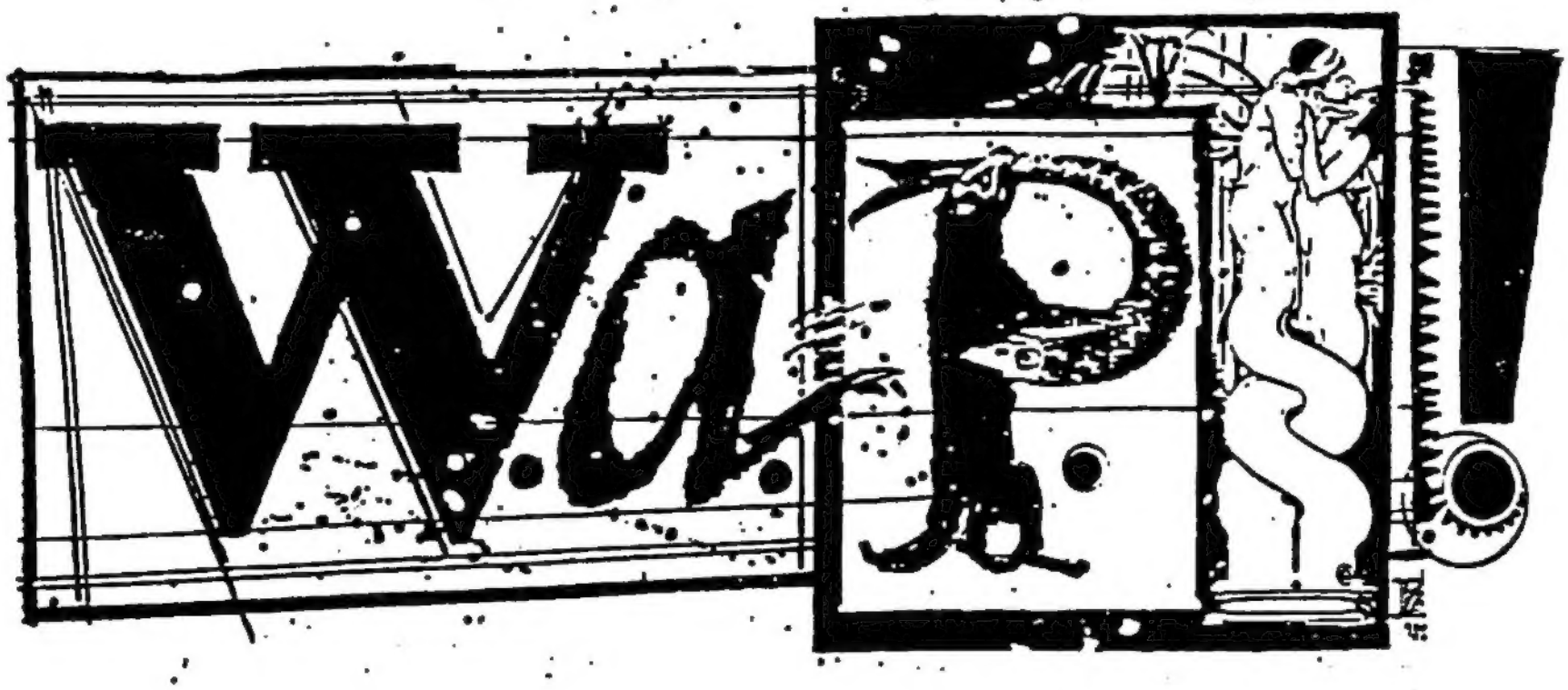


Diamond/Aardvark War Ends!

CEASE FIRE!

Diamond Comics Distributors, Inc. President Steve Geppi has retracted his threat not to carry any comics published by Dave Sim's Aardvark-Vanaheim. Geppi further asserts that, in a change of policy, Diamond will no longer decline to carry any comics because of their content.

Geppi's statement is the climax, and, we hope, the resolution of a costly dispute over Sim's decision to circulate his *Cerebus* collection *High Society* by direct mail only, bypassing the specialty shop comics distributors.

This latest exchange began with an angry speech by Sim to an audience of comics retailers at the Capital City sales conference on May 9, 1988, at a dinner sponsored by Aardvark-Vanaheim. Karen McKiel, Administrator for A-V, provided WAP! with the following excerpt:

A couple of weeks ago.

At the Diamond Comics Sales Conference.

The President of Diamond Comics twice announced to his retailers and to the attending publishers that he would no longer carry Cerebus or The Puma Blues.

I don't imagine he's any more serious now than he was when he had Bill Schanes inform me that he would no longer carry The Puma Blues or than he was when he announced on the front page of The Comics Buyer's Guide he would carry The Puma Blues again. Trying to figure out what Diamond thinks, how Diamond thinks, is like trying to figure out what and how Ed Meese thinks. The mistake is in presupposing that there is thought involved, since all evidence is very much to the contrary.

It does, however, place me in the awkward situation of having to do something about this... bad apple in the distributors barrel.

If, as my instincts tell me to, I decide to suspend all shipments to Diamond Comics, I will be penalizing his retail accounts and their customers for the ill-considered gestures of a simple kind of guy clearly playing out of his league, with resources not his own.

However, having stopped all shipments to Bud Plant warehouse #7 for attempting to return non-returnable books, I would be very much remiss in not taking a similarly strong stance against someone clearly judging himself a rule-maker in our happy community, accountable only to the executives at Marvel and DC.

The fact that Steve tried to contact me after his sabre-rat-

continued on page 18

Mark Askwith:

THE REAL VIOLENCE ON TELEVISION

Comic books have been a vibrant, exciting medium in the last few years. There is an energy, an intensity, to the best comic books that has reached out and changed the marketplace. At major comic book stores, such as the Silver Snail in Toronto, over 80 per cent of the customers are over 18. Those responsible for this new trend, this new marketplace (and this list includes creators, retailers and distributors), have become news. Major news. For many years, coverage of the comic book field was limited to "*Superman* #1 is now worth x dollars" or "Mild-mannered Salinas boy draws childhood heroes." Puff pieces. Human interest stories. It is fairly easy to conduct an interview on these topics and, aside from embarrassing misquotes (i.e. "DC's Spider-Man..."), the results are generally positive.

Today, as the comic book market shifts, the media response has become more complex. "Comic books aren't just for kids" used to be a headline praising the innovative work of Alan Moore, Frank Miller, Los Bros. Hernandez, et al., but now I see the headline and wince -- comics are being vilified by many members of the popular press. As spokesmen for this industry – and that's what you become when you talk to the press – we must compare notes and learn from each other's experiences.

I've been in the public eye for about four years now. As the (now former) manager of the Silver Snail, I recognized very early that the media were very valuable allies. I was able to reach a huge audience and generate substantial good will. As Toronto is one of Canada's major centers of media activity, I found myself addressing a national audience as coverage was rebroadcast, repackaged or reprinted throughout Canada. With great power comes great responsibility.

In February 1988 I was phoned by a CBC television producer called Dawn Treibicz. I was familiar with her as she had interviewed me before about Ron Mann and the comic book film he and I were involved with. She told me she had long wanted to do a show on "comics for adults" for the local CBC *Monitor* program. I was delighted. At the time, there was an outcry against violence and bigotry in comic books. Examples cited were *Green Arrow* and *Hellblazer*. A father in St. Catharine's, Ontario, and Darryl Kent, an Ottawa alderman, appeared to be the main voices against comics, so I was eager to combat what I felt was a nasty, uninformed backlash. I met with the program's researcher, Alyse Frampton, and I was "pre-interviewed" for four hours. I gave Alyse over forty comic books and arranged for her to meet with various local creators. Friday, March 11, was chosen as our filming date and I outlined my usual terms. My main concern was that I didn't want a film crew disrupting sales of the shipment of new comics. If a hand-held unit was not available, I wanted to set up the equipment in the nearby offices of Vortex Comics. All parties agreed. I arrived at the store half an hour early. When the CBC came, the crew had brought a veritable studio. I started to take them to the Vortex offices. Dawna insisted that we wait and film in the store. I complained that these were not our terms, but agreed to let them set up the equipment as long as they promised to be unobtrusive and quick. They were neither. I was interviewed for two-and-a-half hours by a seasoned journalist I'd never met before.

Our interview began calmly with a discussion of Frederick Wertham, flowed smoothly to the "new marketplace" and the changing demographics of comics. At this point the gloves came off and I found myself defending individual panels in various comic books (including Josie's death in *Yummy Fur* #4 -- "Could anybody read this?") and handling tricky hypothetical questions ("What would you do if comics were banned?"). The staff of the store complained several times that the crew was interfering with store operations. I came close to walking out, but I decided to keep my cool and use the forum to my advantage. Two-and-a-half hours later the interview was over. I tried to contact Chester Brown (creator of *Yummy Fur*, next on their list) but couldn't reach him. I called other creators and retailers and warned them that I felt these journalists were out for blood. Chester was filmed in his tiny studio/apartment. I can't imagine how they managed to fit all the equipment and crew in there! Dawna insisted that Chester draw on-camera and, despite his objections, he did. Chester had watched portions of my interview in the store and so was prepared for some difficulty, but he calmly answered all questions posed to him.

One of the retailers I had spoken to, Steve Solomos, runs The Beguiling, a small but well-run comic store. Steve got a call from Alyse Frampton and she asked him if the CBC could film two boys buying comic books in his store. Steve warily asked if this was going to be used for a censorship program: "Oh, no, this is for a show on collection." Later in the conversation, Steve repeated his question and Alyse insisted that censorship was not the issue. Two thirteen-year-old boys were filmed at The Beguiling purchasing several comics. Steve noticed that all the books were "controversial": *Green Arrow*, *Hellblazer*, and *Marshal Law*. He asked Dawna why the kids had chosen these titles, "Why not more of the superheroes that they usually read?" But he was rebuffed. A dummy purchase was taped and the two boys were interviewed later, outside the store. Steve was also interviewed and he told me, "I wasn't doing anything wrong, so I figured I had nothing to worry about."

The show was to air locally on April 4, and over the weekend ads for the show were aired. Clearly, we were in trouble. "These are snuff comics," was one of the tag lines. I called several of my media contacts and they all told me to wait – that any action on my part to block the show or complain would make me look foolish and could create publicity for the show. As it was, the show was bumped to the following Monday, April 11. Several Silver Snail employees, Chester Brown and I gathered at my home and prepared to tape and analyze the show. We were appalled. The show was an unrelenting attack on "mature comic books." The show was very pro-censor-

ship, very pro-Bill C-54, Canada's highly controversial proposed censorship legislation now being considered in Parliament. For me, the key to the show was that comics were/are perceived as "kiddy literature" and therefore mature subject matter enters the equation and produces "kiddy porn." As long as there is this North American stigma attached to the medium, there will be trouble convincing the public at large that comics "aren't just for kids."

Chester appeared very briefly on the program to discuss the violence in *Yummy Fur*. In an extreme close-up shot from above, Chester (who has long hair and has shaved the top of his head) looks very freaky, perhaps perverted or demonic: the very image of a "pornographer." Chester was relieved that his portion of the show was so short: "I would have been happier if they'd cut me out entirely." As for me, I was introduced as "somewhat of a guru" and limited to one sentence, taken out of context, which made me look like I wholeheartedly supported censorship. My two-and-a-half hours of angst was reduced to one sentence. Like Chester, I feel I got off lightly, but would have preferred to be cut entirely.

After the show aired, the phone rang off the hook -- what would be our response to such manipulative journalism? After a long discussion, Chester and I decided to let the matter drop. We hoped the programmed would be quietly forgotten. The next day, our local *Monitor* program was aired nationally on CBC's *The Journal* as part of the nightly news broadcast. Suddenly the show got a huge audience. Once again we were appalled, but chose silence. The furor has died down; nobody seems to remember the show.

Many subscribers to WAP! have had to deal with negative and damaging publicity. I'm sure you all recognize the enormous, adverse impact that this can have on the public perception of comics. What are your recommendations to other freelancers? Should Chester, Steve and I have launched a complaint? How does one ensure that you will be treated fairly and equitably by the media? Do you have other media horror stories you wish to share with the WAP! readership? I'm sure the editors of WAP will agree with me that Media Maintenance is a serious issue confronting freelancers, and we invite your comments and response.

"MONITOR" EXCERPTS

Transcribed by Mark Askwith

PROMO: Comics: they're full of sex and violence... should they be sold to kids?

KEITH COOPER (irate parent): The depiction is pornographic! Depictions of murder and rape! If this is what kids are reading now, what will they read when they're adults?

ERIN COOPER (13 years old): *Green Arrow* really upset me, when you see a torture scene, a lady being slashed up. I took it to my father and said, "What the hell is going on in comics?"

KEITH COOPER: I checked through the rest of his collection, and found portrayal after portrayal of perverted acts. It's snuff porn -- and it's in the hands of children, and it's going to debilitate their growing sexuality.

© 1988 Frank Miller

COMMENTATOR VOICE-OVER: Comic books whose story lines are laced with sex, violence, and racial confrontations. Right now, no matter how shocking the subject matter, and no matter how young the child, there are no restrictions. It's up to individual shops to determine what is sold to whom. The choices are arbitrary. In this store [The Beguiling], the kids can buy any comic they want -- no matter how violent or sexually explicit. Store owner Steve Solomos doesn't believe in a restrictive policy. He sells any comic to the kids, no matter how young they are.

STEVE SOLOMOS: I don't believe it is my job to be a legislator of someone else's personal morality. That responsibility, if it's a minor, lies with the parents.

COMMENTATOR VOICE-OVER: [*Yummy Fur*] is full of sexually explicit material and violent scenes. Here's one example of a scene that people find particularly offensive: a man here having sex with a woman, blood coming out all over the place. Do you think I'm overreacting when I say this is shocking? Almost horrifying to look at?

CHESTER BROWN: Well, yes, it's disturbing, but it's no worse than a lot of films, like *Friday the 13th.*

COMMENTATOR: But those movies are restricted.

CHESTER BROWN: I hope store owners aren't selling *Yummy Fur* to children.

HUMAN RIGHTS OFFICER ADVISOR ON RACE RELATIONS, ALOK MUKHERJEE: [Comics] portray the good white American versus everybody else. They call people names like "Jewish Bastard", "Jewish whore". Iranians are portrayed as people without any emotions. They are never described as people, just slanty-eyed, yellow-skinned gooks.

KEITH COOPER: I took [the comics] to the police, and they said, "I'm sorry, there's nothing we can do." I said, "Good grief, given the depiction of child molesting, child murder, or naked murder," I said, "what's restricted?" They said, "Mr. Cooper, you don't want to know." Those jerks come out and touch my children, and there's nothing I can do. Then I'm mad. I'm mad as hell.

COMMENTATOR: The reason that nothing can be done is that under Canada's current law the material in comic books is not considered obscene or pornographic. If Bill C-54, the current censorship legislation, is passed, much of the material in adult comic books might come under fire. But the controversial bill may not become law, so at this point, any talk of censoring comic books is mostly academic. Toronto has a by-law regulating the display of adult magazines. If there was enough public pressure, that by-law could be amended to include comic books as well. But that wouldn't stop kids from buying adult publications.

KEITH COOPER [in the final statement in the documentary]: We've got to draw lines as a society. That's what laws are for --to protect freedoms. To protect my freedom. To protect my boy's freedom. The freedom to be a boy, to be a child. He doesn't have that freedom now.

Afterword:

A WAP! GUIDE TO MEDIA ETIQUETTE

Mark's story of TV misrepresentation of the adult comics issue is a chilling one, and it could as easily happen here, especially during "sweeps" periods, when sensationalism reigns. (For example, a Los Angeles news channel spent a week "investigating" the thoroughly ludicrous claim that Elvis is alive and living in Michigan.)

Mark's error, and the error of other people involved with this incident was to be too cooperative, even when their instincts warned them of trouble. Mark set terms which the TV station agreed to, but when they ignored the terms, he didn't enforce them. Steve Solomos sensed a problem when the reporter insisted that children be filmed buying sophisticated comics, but he went along with it. After that, the damage was done. We say this not to chastise Mark or Steve, but only because how they handled this situation illustrates a mistake all of us are prone to make: *They were too nice.*

The lesson is: be aware and don't ignore your instincts. If you do interviews, make or get your own tape. Get terms on paper, and once you've set terms, don't back off from them. You aren't under any obligation to let reporters do whatever they choose, and they are being unethical if they are staging footage. You can stop them from staging.

Aside from that, it is up to all comics professionals to control the interview. This is not as difficult as it sounds, and takes remarkably few steps.

1) Don't be apologetic for what you do.

2) Refute premises if you don't agree with them. "Comics are for children" is a false premise that is easily overturned, and you, as the "expert" being interviewed, are in a position to overturn it. Reveal the specter of "threats to children" for what it really is, fear of dissemination of ideas. Deny any premises you view as suspect. Interrupt the question as it's being asked. Be polite about it, but you don't have to be nice about it.

3) Do not be even-handed. Don't answer hypothetical questions. Don't let them get away with making statements which you know to be untrue. This draws you into supporting their argument, and gives them quotes which they can pull to support their position. We're all tempted to be even-handed, to be "nice guys," but in dealing with the media, it's a potentially suicidal temptation.

If a news crew is out to do a hatchet job, there is probably no way you can prevent it. One way or another, they *will* get the story they want. But you can avoid helping them.

Cheaper By The Ton

Comic book retailers choose which distributor to deal with on the basis of many factors: depth of inventory, promptness and reliability, geographical proximity, and convenience, to name a few. However, the single reason most retailers choose one distributor over another is *pricing* -- specifically, the price the distributor sets for the Marvel pulp comics. This is understandable; the Marvel pulp books are the mainstay of most direct sale comic shops.

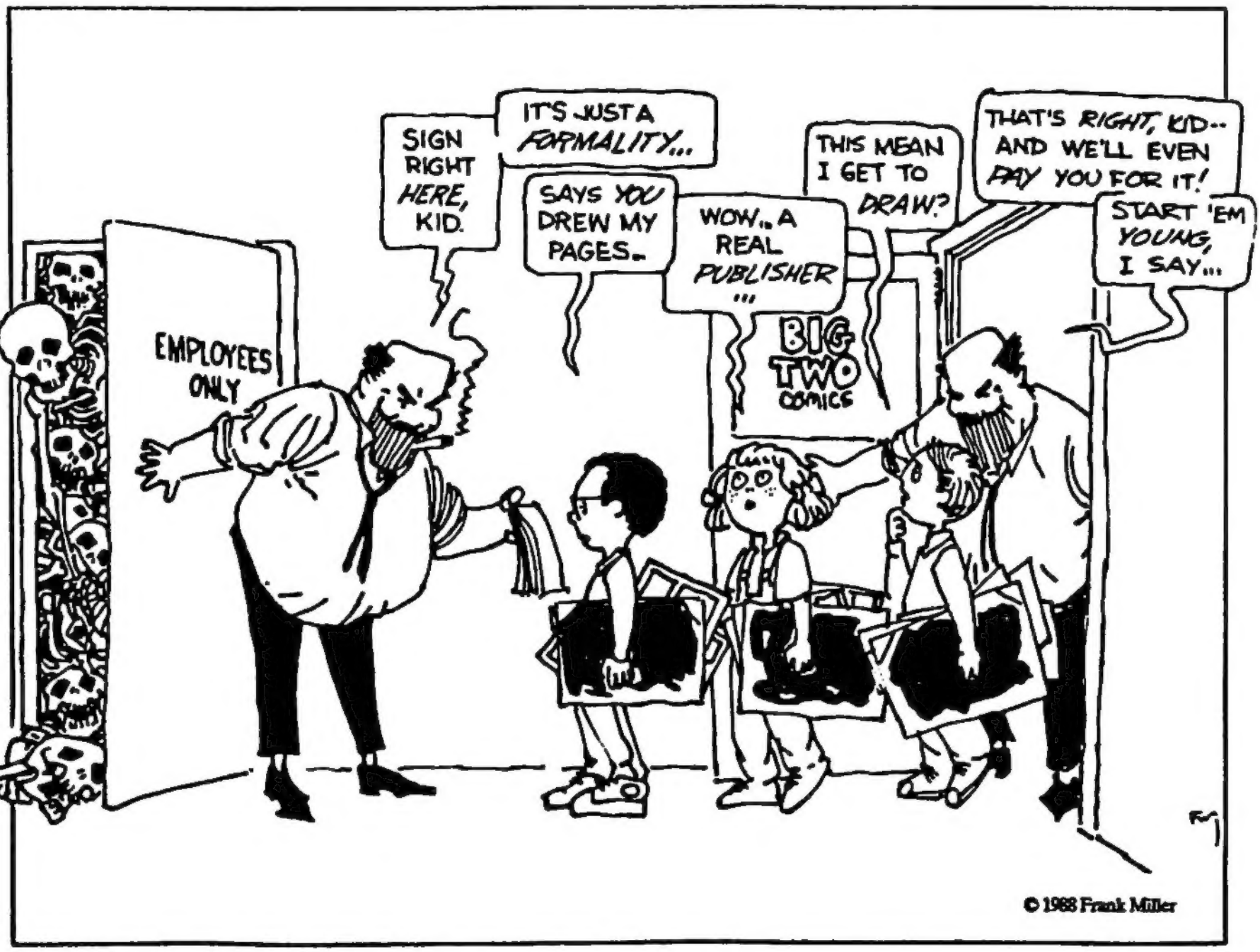
Unfortunately, competition among distributors to offer the lowest price on the Marvel books has led to some aberrations in the marketplace. Like your local grocery store, when the distributor offers a "special" on one item, he offsets the loss (or lower profit) by raising the price of some other item. The most common practice among comic book distributors is to pick an entire category of items -- one that is theoretically less important to the retailer than the Marvel books -- and sell every publication in that category at a slightly higher price than might otherwise be necessary.

One major distributor, for example, charges a little more for *all graphic novels* to subsidize its low prices on the Marvel comics. Another charges a little more for *all black-and-white titles.*

There's nothing illegal or even unethical about this practice. It is, in fact, almost a textbook example of how the free market operates.

The problems arise from the fact that most comic book retailers don't shop around for the lowest prices on *all* the items they carry. Because they sell more Marvel color comics than anything else, they settle on the distributor who offers those books at the lowest price, and then, purely for convenience's sake, buy most of the rest of their stock from the same distributor. So the stores that deal with any given distributor are apt to carry fewer graphic novels or fewer black-and-whites, because those comics seem "overpriced."

We don't expect this situation to change any time soon. It would be nice, though, if more comic book store owners wised up and took a careful look at their entire "tape total," as the supermarkets call it. There's a disturbing irony in the notion of *Maus, Love and Rockets,* or *Zot* being used to underwrite the sale of cheaper tonnage from Marvel.


EMPLOYEES ONLY
SIGN RIGHT HERE, KID.
IT'S JUST A FORMALITY...
SAYS YOU DREW MY PAGES..
WOW.. A REAL PUBLISHER ...
BIG TWO COMICS
THIS MEAN I GET TO DRAW?
THAT'S RIGHT, KID-- AND WE'LL EVEN PAY YOU FOR IT!
START 'EM YOUNG, I SAY...
© 1988 Frank Miller

Staff Infection

Freelancing, in comics, is risky business. Unlike employees, we don't get paid an hourly wage. We don't get paid vacations. We don't get sick leave. We make money only for the pages we complete.

The risk is increased by the practice at Marvel and DC of giving editors most of the choice assignments.

Surely the most blatant example is Jim Shooter's use of his executive power a few years back to assign himself as writer of *Secret Wars* and *Secret Wars II*. It's no coincidence that *Secret Wars* received better promotion than any Marvel comic written by a freelancer.

Other examples abound. Editor Ann Nocenti was assigned to *Daredevil* (to her credit, she's since gone freelance); editor Mark Gruenwald gets *Captain America*; Carl Potts takes on *The Punisher's War Journal*; boss editor Tom DeFalco gets to write whatever he wants. At Marvel under Shooter -- we don't know if this is still the case -- everyone on the editorial staff was expected to do freelance work of some nature.

Over at DC, Dick Giordano is the inker of the first three issues of a great many surefire sellers. Terry Austin was invited to ink the renumbered John Byrne *Superman* only after Giordano had secured the royalties on its best-selling issues. After promising the scripting of *The Question* at various times to freelancers Mike Barr, Alan Brennert, Frank Miller, and Len Wein, DC handed the assignment to editor Denny O'Neil, who has likewise snatched *Doc Savage* from the great many writers who'd love the job. Editor Andy Helfer, with minimal comics writing credentials, writes *The Shadow*. It's an open secret that much of this "freelance" work is done at the office, during the hours the editors are paid to work with us.

No wonder DC editors use answering machines.

The next time your editor seems a bit tired and cranky, show him some compassion. It must be hard to work with your own competition.

One Step Forward

After almost a decade, of saying it couldn't be done, DC has just announced they'll be open to new creator-owned properties and concepts, free of work-for-hire demands. A statement from DC Publisher Jenette Kahn listed no specifics, but said the new deal "will guarantee you a number of consultation rights and open certain financial terms, such as licensing split, to a wider range of negotiation than before."

We assume this situation extends to Piranha Press titles as well as DC titles, though it is unclear if creations intended for use in the DC universe (as opposed to totally new creations existing in their own "universes") are eligible under the new plan.

We hope to have clarifications next issue. At face value, though, this appears to be a major breakthrough for DC Comics. Kahn recommends that interested parties discuss the new deal with DC editors.

BEEP
UM- SORRY TO BOTHER YOU, MR. EDITOR., BUT ..UM..
-I MEAN, I KNOW YOU'RE BUSY-
-BUT I WAS WONDERING IF YOU'VE HAD A CHANCE TO READ MY PROPOSAL..
-DON'T MEAN TO BE PUSHY BUT IT'S BEEN SIX YEARS...
THAT SCRIPT READY, BUDDY?
HOW AM I SUPPOSED TO GET ANY WRITING DONE WHEN ALL THESE DAMN FREELANCERS KEEP BUGGING ME?
EDITOR
© 1988 Frank Miller

Waiting for Giordano

A DC house organ has promised to tell freelancers how to submit proposals to the company. That's a pretty simple process: you get an editor to thumb up a germ of an idea; type up everything you can think of – characters, plot, changes you plan to make; send it in; and wait for the company to reply. And wait. And wait.

Since waiting seems to be the major occupation of anyone who submits a proposal to DC, WAP! would like to offer some suggestions on how to spend your time while DC makes its decision:

- *Learn Mayan and write the definitive translation of the Popol Vuh.*
- *Find a cure for the common cold.*
- *Tour the world in search of a new artist to draw your series.*
- *Secure peace in our time.*
- *Start your own comic book company and publish the first 100 issues of the book yourself.*

Seriously, we're razzing DC about this because they're the most blatant offenders, but they're hardly the *only* ones. Almost all comics companies today have piles of series proposals stacked in corners, waiting to be read. For the freelancer, this is a particularly annoying problem. Ideas languish and enthusiasm shrivels while bank accounts dry up, and the sheer volume of proposals requested by many companies suggests they haven't given serious preliminary consideration to any of them. It's doubly annoying in that many proposals take considerable time to prepare, time that could be better spent on more profitable work if the proposals are just going to land in an ever-growing slush pile and be forgotten.

When an editor solicits a proposal, there is no excuse for his not making a decision on it within one month of receiving the material. Any longer, without verbal or written explanation, suggests disregard for the freelancer.

Slush piles are for unsolicited proposals. Just as a freelancer who takes on an assignment has a responsibility to finish the work expeditiously, so does an editor have the duty to expeditiously push that work—whether it be art, script, lettering, coloring, *or a proposal*—through the system.

We do not expect editors to pay any attention to these complaints. The current system works in their favor. It's not unheard of for companies that own their characters to ask several freelancers to write proposals for a single character, in a sort of elaborate shell game that pits freelancers unwittingly against each other.

WAP! suggests that freelancers work together to stop these practices. Don't be afraid to pull proposals and take them elsewhere if there's no quick action on them (adapting them to original, creator-owned characters if they're based on company-owned properties). Make a lot of noise to find out why your proposals aren't being read. And never do a proposal on a handshake. If comics companies won't get their act together, we can no longer afford to take them at their word. Given their current sloppy business practices and the low level of trust they've engendered in freelancers, publishers should be willing to demonstrate their serious interest in a proposal with a *non-refundable, non-binding payment* (we recommend $100) to cover time spent in preparing the proposal, and a letter of agreement specifying a date by which a decision must be rendered, after which the publisher's "option" on the material would expire; the publisher would be required to make another payment to renew the option for another specified period of time.

Such a token payment to "option" a proposal wouldn't constitute an unreasonable expense for the publisher—unless the publisher is soliciting hundreds of proposals. When they can get writers and artists to work for free, they have no reason to take the work or the worker seriously. Spending money would hopefully focus a company's discretion and real interest, and, at the very least, make more equitable a situation that is growing worse daily.

It's a Dirty Job, but...

WAP! is seeking an intensely dedicated, modem-equipped comics freelancer located in the New York area to serve as the fourth member of our editorial board.

Job responsibilities include: nagging artists for cartoons; nagging writers for articles, proofreading same, and uploading the files to Compuserve or the Writers' Exchange BBS; and trotting whatever can't be sent electronically to Federal Express.

Salary is the same as that paid to all current board members: zip, zero, zilch, bupkis, nada. And no royalties. (In other words, it's a lot like working for Marvel or DC in the early 70's.)

Interested parties, please respond to:

WAP!
1879 East Orange Grove
Pasadena, CA 91104

Or leave a message to Steve, Steven, Frank, or Brad on the Writers' Exchange BBS at 818-843-7898.

The Anti-Voucher Agreement Agreement

In WAP #1, we presented Marvel's new back-of-the-voucher "contract." We did not print DC's, though they employ something very similar.

We wonder about the legality of such things, and so do our lawyers. These "contracts", in effect, force the creator of the work to surrender all rights to the work after it has been commissioned and completed. If the freelancer wishes to be paid for his work, he has no recourse other than to sign and submit the voucher. The voucher, however, isn't a contract, because it isn't negotiated, because its conditions are never presented to the artist or writer prior to the completion of the assignment, and because one of the parties has no say whatsoever as to its contents. (Despite this, a DC house organ specifically refers to their vouchers as "contracts." But are they binding on all parties? Ask any DC executive whether or not the company is free to change the provisions of the "contract" at any time, without consulting you.)

In an industry where freelancers traditionally live hand to mouth, this sort of coercion usually works, because the freelancers can't afford to dispute it. These are robber baron tactics, and they might be fun to challenge in court. If anyone is interested in checking out the possibilities for a class action suit by comics freelancers against "back of the check" and "back of the voucher" contracts, please drop us a line.

In the meantime, a cheaper solution is to fight corporate fire with freelancer fire. WAP! proudly presents, courtesy of Christy Marx (with kibitzing by the WAP! editorial board), the **OFFICIAL WAP! ANTI-VOUCHER AGREEMENT AGREEMENT:**

In consideration of [COMPANY NAME HERE] ("PURCHASER") receiving from [YOUR NAME HERE] ("SUPPLIER") the written material, artwork or services referred to in this agreement (the "Work") and paying therefor, SUPPLIER acknowledges, agrees and confirms that the Work was created, prepared or performed by SUPPLIER for PURCHASER, and also confirms that such work is protected under the United States and Berne copyright laws as an original work.

In addition to the foregoing, SUPPLIER expressly conveys and grants to PURCHASER the right to publish a single edition of the Work for distribution in North America only. All applicable foreign rights, North American republication rights, and any and all other rights in and to the Work remain expressly the property of the SUPPLIER, unless subject to terms and conditions agreed to in any separate and specific written agreement between the SUPPLIER and PURCHASER.

Any modification, adaptation or revision of the Work shall require the specific consent of the SUPPLIER unless otherwise agreed in writing prior to delivery of the Work. SUPPLIER retains ownership of the original Work (manuscript or physical artwork) which shall be returned intact within six months of delivery of the Work by SUPPLIER to PURCHASER.

This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, administrators and assigns.

If the Work is rejected under any of these conditions, or payment is not made, or the Work is not published within one year of the date of its delivery to PURCHASER, the Work shall then be deemed to be solely and exclusively the property of SUPPLIER and must be returned intact immediately upon the demand of the SUPPLIER.

By signature at the bottom of this agreement, SUPPLIER acknowledges acceptance of the terms herein specified and by acceptance (either verbal or written), usage, publication and/or payment for the Work. By receipt of the Work, PURCHASER acknowledges acceptance of the terms herein specified, and agrees to render payment for work in question within [PERIOD OF TIME HERE] from date of receipt of the Work. PURCHASER agrees never to contest SUPPLIER's exclusive, complete and unrestricted ownership of the work (except for those rights specifically granted in this agreement), or to claim adverse rights therein.

_____
SUPPLIER

_____
Date

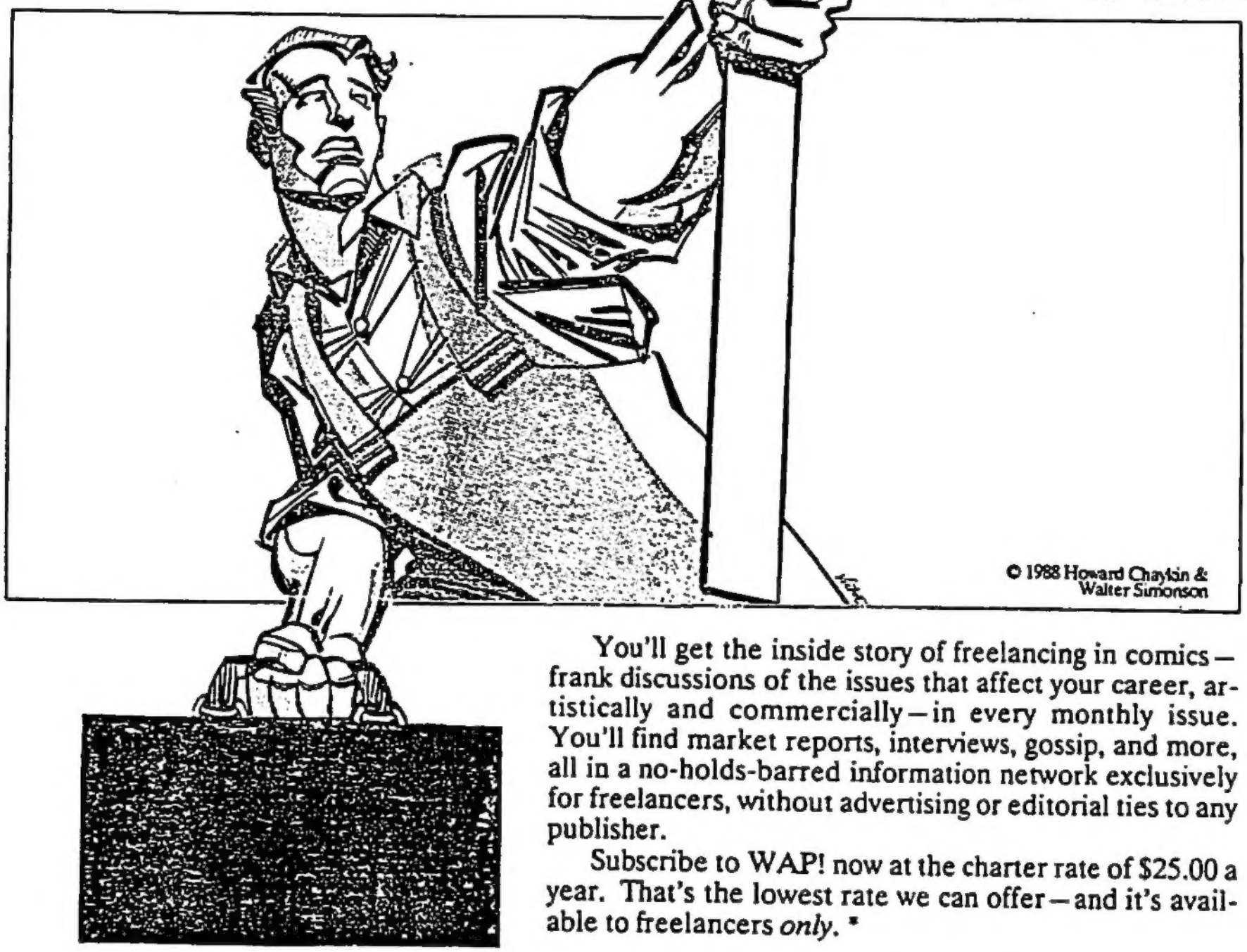
We recommend that all freelancers stamp this agreement on the back of every page they turn in to a comics company, specifically Marvel, DC, Archie and any other company that still employs thuggish "back of..." work for hire contracts. Don't forget to sign it.

We also recommend that freelancers insist on a contract wherein all the terms are laid out, prior to beginning work. This is the fair and equitable way to make an agreement, and one that doesn't hold the rent ransom if the freelancer doesn't like the terms. If the companies want to play paperwork with us, let's bury them in paperwork.

Will editors or publishers accept such a thing? In New York, it's unlikely. For those who want to take stronger action than the above, we present an elegant and probably illegal alternative:

In accepting this check, Payee acknowledges sale to Payer of one-time-only North American publication rights to the work commissioned, with all applicable foreign rights, reprint rights, royalties and any and all other rights in and to the Work remaining expressly

WORKERS UNITE!!



You'll get the inside story of freelancing in comics—frank discussions of the issues that affect your career, artistically and commercially—in every monthly issue. You'll find market reports, interviews, gossip, and more, all in a no-holds-barred information network exclusively for freelancers, without advertising or editorial ties to any publisher.

Subscribe to WAP! now at the charter rate of $25.00 a year. That's the lowest rate we can offer—and it's available to freelancers *only*. *

[ ] Sign me up for one year of WAP! at the exclusive Freelancers Rate of $25.00 for twelve issues.*

Name:_____

Address:_____

City:_____ **State:**_____ **Zip:**_____

Send this form (or just your name and address) to: WAP!,1879 East Orange Grove Blvd. Pasadena, CA 91104

*1 year/$25.00 rate is available to established freelance professionals only. General public rate is $45.00/year. The rate for full-time employees or executives of publishing companies is $95.00. Rate qualification is the decision of the WAP! Editorial Board.

the property of Payee subject only to the conditions of any separate and specific written agreement(s) between Payee and Payer which postdate the acceptance by Payee of this check. Payee retains ownership of the original Work (manuscript or physical artwork) which shall be returned intact to Payee within six months of delivery of the Work by Payee to Payer. Payer agrees never to contest Payee's exclusive, complete and unrestricted ownership of the work (except for those rights specifically granted in this agreement), or to claim adverse rights therein.

This may be stamped on the back of any check before cashing. As we said, it's probably illegal, but let the companies challenge it if they like. If they invalidate it in court, they invalidate their own "back of..." contracts at the same time.

If anyone is interested, WAP! is willing to make available, at no profit to us, rubber stamps of the above "contracts." Please contact Brad Munson, WAP!, 1879 East Orange Grove Blvd., Pasadena, CA 91104 for prices.

WAP! NEEDS YOU...

WAP! welcomes articles, letters, cartoons, news, gossip, and entries for our Lexicon from all comic book freelancers.

You don't have to be a "big name" in the industry. We want to provide a forum for inkers, letterers, and colorists, too. You can write (or draw) anonymously, if you like, or demand a byline. The address for editorial contributions is:

WAP!
1879 East Orange Grove
Pasadena, CA 91104

Aircel vs. Creators

The following press release recently went out from Aircel Comics to distributors in the United States and Canada:

AIRCEL RENOUNCES NUDITY

Due to complaints received by Aircel Publishing management at the recent Diamond Distributors convention, Aircel Publishing has announced that its books and projects will no longer contain scenes of nudity or explicit language.

In an attempt to increase the sales of Aircel titles, the elimination of such content will make said titles more accessible to readers of all ages, especially in the case where some comic book specialty stores have been packaging and regulating the sales of these titles.

"Although we've certainly toned down our books some time ago, we found out our material is still too explicit for some stores in some areas. These stores had been bagging and restricting sales on all Aircel titles," comments publisher Ken Campbell.

Campbell also adds, "As this limits sales and compromises our position in the market, it is in everyone's best interest to just completely eliminate this material from our line. We apologize for any inconvenience or undue concern this may have caused store owners and we look forward to continued positive feedback on this or any other of our issues in the future."

Both Ken Campbell and Aircel Chief artist Barry Blair are pleased and confident of said action. They are looking forward once again to reach the younger audience, which was Aircel's original intent, but however, was undermined by the placement of too much artistic freedom on the part of writers and illustrators.

Aircel is at least straightforward enough to announce its new standards as a marketing ploy. Its problem in the marketplace, however, is not so much nudity and profanity as *invisibility*.

When ultraviolence, naked people, and swearing were thought to attract attention, Aircel was glad to publish such material. Now, amid the current bursts of hysteria over cleaning up the comics, the company is equally happy to issue a p.r. release announcing new standards, in the hope that *that* will result in increased publicity.

WAP! wishes this were an unusual stratagem for comics publishers, but it's becoming all too common.

What is most appalling about the statement, though, is its assertion that Aircel's desire to reach a wider audience was "*undermined by the placement of too much artistic freedom on the part of writers and illustrators.*" Translation: publishers are morally responsible adults, and freelancers are spoiled children with no sense of values, who let their fantasies run away with them.

WAP! would like to hear from freelancers who work or have worked for Aircel. Did the Aircel staff ever question the material you submitted, or did they encourage it?

Creative freedom in the hands of creators is not a thret to publishers, and Aircel's sales and status in the industry will not be helped by scapegoating freelancers. Scan any list of recent critical and sales successes and it becomes evident that increased creative freedom is the future of the medium. Any company that chooses to deny this is digging its own grave, no matter what profits it may reap in the short run, and any successful freelancers the company might have attracted will bolt to publishers with more equitable deals and greater respect for talent.

Steve Bissette:

THE POLITICS OF COWARDICE - Pt. 1

I wrote this three-part piece in 1987, in response to DC's announcement of the ratings system that they now deny ever existed. CBG, for whom this piece was written, should have printed it (instead of excerpting the first ten paragraphs as an "editorial") and much later printed part 1 after I expressed anger at their printing an out-of-context fragment and calling it "my opinion." I know that ratings are now considered a "non-issue" (to quote a fanzine that is nonetheless bending the "non-issue" into a "pseudo-issue"). But many of the elements at the heart of the "non-issue" were obscured in the heated mudslinging, and while the defeat of DC's ratings was a victory for us in many ways, the assumptions and undercurrents that led to the debate have yet to be fully exposed and understood.

Part 1 is dated now, but it does assess what was happening in January of 1987, and provides a context for the latter sections. I wish to add one point which was ignored or forgotten in the midst of the debate, and especially in the current COMICS JOURNAL editorials, interviews, and rebuttals. The reason that the freelance community (notably Frank, Alan, Howard and Marv) reacted so passionately, swiftly and publicly was that DC's ratings plan stipulated a time factor that put our collective backs to the wall. The DC plan was first mentioned to me by Frank Miller during a convention in the first week of November, '86. He circulated copies to associates two weeks later, and DC mailed out their official announcement to freelancers at the beginning of December, outlining the plan that would become company policy effective January 1, 1987. We had only four weeks to try to change their minds. Since personal responses to DC editors and staff yielded only dismissals ("Don't worry, it's just a public relations move," I was told), we were given no choice but to attempt debate and change in the public eye before the January 1st deadline. The urgency and outrage publicly expressed in CBG (as private discussions had changed nothing) make sense only if the reader bears in mind the short time frame we had to work in.

Now, of course, in the light of the "guilty" verdict in the Friendly Frank's trial, the DC furor and our victory seem inconsequential. There is a more important battle to be fought now. Remember, though, that the collapse of DC's announced "standards and practices" remains the first change in company policy in response to pressure and solidarity from the freelance community based on creative needs rather than monetary and business practices.

Part 2 never saw print, much to my regret, as this section is most relevant not only to DC's irrational standards and practices (especially in their malicious treatment of Marv Wolfman), but to unspoken assumptions that cripple fair business practices in the industry at large now. It also states the greatest challenge we now face -- getting the art and the industry out of the shadow of "children's literature" and all that it implies.

Part 3 states why I think any industry based ratings system is unworkable. In my original draft, I pointed out aspects of the periodical nature of comics that further complicate any sort of broad-based ratings system. Given "novels" that necessarily are written and drawn on an issue-by-issue basis (Dave Sim's Cerebus, any limited series, etc.), rating each issue is as absurd and useless as rating individual chapters in a novel. I chose instead to focus on the corrupt and insidious practices of the MPAA movie rating system, the model that all the advocates (and even detractors!) of comics ratings point to as a functional role model. Any ratings system inevitably stems from commercial goals, inviting corruption, coercion, and censorship (regardless of what "they" choose to call it) in the marketplace.

Thanks to Frank Miller, for urging me to write this piece, and for finally giving it a home, and to Norm Krampetz, for the editing assist on parts 1 and 2.

-- Stephen R. Bissette,
January 1988

[Editor's note: the body of this piece was written in early 1987; aside from where it mentions the Michael Correa-Friendly Frank's case, it has not been rewritten to accommodate changes in the scene that have occurred since then, and we ask that everyone keep that in mind while reading it.]

PART ONE

"*I really care about the industry we're in. I love it to death.*" -- Steve Geppi.

"*Who are the Brain Police?*" -- Frank Zappa.

I used to run the student film program at my college up in Johnson, Vt. One season we ran Paul Bartel's *Private Parts* as our Halloween feature. I doubt many have seen this wry blend of black comedy and psychological horror film, a *Psycho* by way of *National Lampoon*. We promoted the showing with joyfully lurid posters and radio spots, and we packed the theater Halloween night with an adult college crowd who *knew* what they were there to see: the funny/scary R-rated shocker we promised. They *paid* to see the movie. It was quite a hit. No one was there who didn't want to be.

But someone decided to demonstrate their moral outrage at our daring to show a film called *Private Parts*. Someone chained all the theater doors shut, locking out people who *wanted* to see the film. And locking 250 people in. Had there been a fire, there would have been a disaster. Within an hour the chains were cut, the rest of the audience came in, and the showing began.

Those who chained the theater, those outraged champions of moral righteousness, not only tried to keep anyone from seeing the film, but blindly endangered hundreds of lives. Who were they? The instructor and students of a class called "Non-Violent Protest." This was their way of crying out against the "pornography" we were advertising and showing. Their convictions and outrage were genuine, their methods questionable.

College security chastised the instructor for creating

a life-threatening situation, and I was invited to the class to discuss the incident, and to explain why I'd show "such a piece of execrable garbage" on campus. It was an interesting discussion. One thing shocked me then and shocks me now:

Not one of the class members, nor the instructor, had ever seen the film. They were reacting to the title and what they *imagined* was in the film. We clearly advertised *Private Parts* as an R-rated horror film on a campus of students 18 years of age or older. Nevertheless, the doors were chained shut by this "informed" minority. Since that incident, I've been wary of morally righteous groups who decide they know what's best for me and my friends and my children to see or not see. They assume that their moral stance is obvious and correct, and that anyone who feels otherwise is either damned to hell or socially irresponsible.

By now you are all familiar with the details of the trial of Michael Correa and Friendly Frank's Comics. You know that the labels identifying specific comics as being adult or mature fare were the signal flares that directed the police straight to them. Positive proof that rating or labeling comics intended for adult readers is a viable means of sidestepping the specter of arrest and censorship, right? Ask Michael Correa.

It staggers me that this situation came to a head in such a short time with so little real provocation. Two, count 'em, *two* comics shops have been busted in the span of one year. This is the only reality of the "fearful social pressure" doomsayers in the industry have predicted for years. Rather than rally behind shop owners who face obscenity charges, industry groups -- creators, publishers, distributors, retailers – fragment and point fingers, crying, "I told you so." Some order the retreat. The first shop, supposedly charged for selling a copy of Eclipse Comics' *Alien Encounters* to a minor, suffered alone. It's hoped that the small rally around Friendly Frank's, not shared by a broad spectrum of the industry by any means, is the shape of things to come.

Again, I emphasize that these two indictments against individual shop owners or clerks are the only reality of the situation. The few negative press and TV reports, fanned into prominence by *CBG* and *The Comics Journal* and those distributors who fear for their own businesses, are balanced ten times over by the positive coverage of the "maturing" of comics in The New York *Times*, The Boston *Phoenix*, *Rolling Stone*, *Spin*, The *L.A. Weekly*, The Los Angeles *Times*, The Washington *Post*, *Newsweek*, *The Atlantic*, the CBS *This Morning* Show, *Today*, etc. The specter of a 1950s purge is constantly evoked by the pessimists, but the reality is that the current social climate is hardly that of the McCarthy era.

When legal scrutiny turned a little over a year ago towards a comic accused of obscenity – Mattioli's horrific, hilarious *Squeak the Mouse* -- the American publisher, Catalan, stood its ground against the U.S. government. A two day hearing brought a unanimous jury decision that *Squeak* was *not* obscene. The comics constantly singled out by Geppi -- *Elektra:Assassin*, *Miracleman* #9, *Captain Jack* #5, et. al. -- pale in comparison with *Squeak*'s plethora of orgiastic sex and excruciatingly graphic violence. Nonetheless, the campaign continues, turning energy away from constructive confrontation with the "problem": support for individuals and shops charged with obscenity, promotion of public education and understanding of the comics medium. The campaign favors running up the white flag and adopting "preventive" (read: repressive) measures to avoid confrontation. This has done nothing but polarize the industry in an imagined quagmire of moral/religious/parental/social/mercantile outrage.

Concern stems from *fear* of attack (though no such attack has actually occurred) from powerful fundamentalist religious organizations. The comics industry stands in awe of them and credits them with near-omnipotent power, citing Southland Corp.'s removal of *Playboy*, *Penthouse*, and *Forum* from 7-11s. Magazine distributors squeezed rock magazines, including innocuous fluff like *16* and *Tiger Beat*, from their outlets in Texas. These actions were prompted by the now discredited Meese Commission Report on Pornography, emphasized by the National Federation Of Decency.

But it wasn't the religious groups or the NFD who removed the magazines from shelves. It was distributors. Fear and cowardice on the part of scared retailers and distributors resulted in self-censorship.

Fourteen million Southern Baptists have their own concerns right now, and comics are not among them. Author Joe Edward Barnhart calls it "The Southern Baptist Holy War," a fight over too-literal interpretation of the Bible, factionalism of the movement. Many Baptists (particularly women) question the racism and sexism that plagues the actions and speeches of "Inerrancy Party leaders" like Jerry Falwell and W.A. Criswell. These doubts are already eroding the fanatical stance against abortion that Falwell and his ilk have nurtured for a decade. The public support and power the industry fears, even wielded by a Falwell or a Criswell, is not reason enough to throw out our rights as creators, publishers, and retailers. The invisible army is busy questioning the rhetoric of their public speakers -- Roberts, Bakker, Swaggart, and others – who are themselves embroiled in hosts of scandals. Nor would aiming their sights at comics as a diversionary scapegoat work in this day and age. There are too many genuine issues to be dealt with. They have bigger fish to fry.

The censure Geppi, Saunders and others dread is, at present, imaginary.

Censorship is a much more powerful force in Britain, where a physically small country controlled by a strong centralized government makes police enforcement of true censorship possible on a scale unheard of in the U.S. Ratings systems or "advisory" labels are ineffectual in the face of such police enforcement. It simply makes their jobs easier, pointing up what should be confiscated. (Otherwise, they might actually have to *read* the material.) The recent "video nasties" cleanup in England makes it clear that censorship is alive and well in the U.K. This began in 1982 with the seizure and destruction by police of two horror films on videocassette: *Driller Killer* and *Death Trap*. Both were rated X ("Adults Only") by the British Board of Film Censors. (Both rated R here in the States.) The term "Video Nasty" was coined with that seizure, and was quickly applied to *all* suspect videocassettes.

continued on next page

POLITICS OF COWARDICE, cont. from previous page

Any films depicting graphic violence, including war, horror, and exploitation films, were slandered, scrutinized and censored as "Video Nasties." Two years later, the Video Recordings Bill (a.k.a. the Bright Bill) was passed. Countless films have been recalled, disemboweled, and reissued under it. All films in Britain now face *three* standards of assessment and censorship: The BBFC theatrical cinema standard, the cut-for-TV broadcast standard, and the much harsher Video Recordings Bill standard. In Britain, you are no longer allowed to select what you can view in the privacy of your own home.

So who cares if "nasties" are shorn of their violence? Isn't the world better off without such senseless exercises in mayhem? What about the Hammer Films library? The Bright Bill has effectively hindered public viewing of what David Pirie called "the only staple cinematic myth which Britain can properly claim as its own," the horror film. Police confusion of titles led to the seizure and destruction of *Apocalypse Now* because it shared a key word with two designated "nasties," *Cannibal Apocalypse* and *Zombie Apocalypse*. Sam Fuller's WW2 masterpiece, *The Big Red One*, was seized because its title suggested a porn film. What about modern classics like *The Wild Bunch, Straw Dogs, Taxi Driver, A Clockwork Orange*, and *Platoon*? Where do you draw the line?

Unlike Britain, our country's system makes broad enforcement of such censorship of the arts impossible. Unless there is deep complicity on the part of those being censored. The "community standards" that have become the focal point of much debate in the industry are exactly why sweeping censorship won't work here. The various states (and the communities within them) retain some autonomy from the feds. Some Tennessee citizens may choose to sue their state to save children from hideously immoral books like *The Wizard of Oz* and *The Diary of Anne Frank*, but that won't get those books removed from libraries everywhere, even if Tennessee bows to such nonsense. If Texas chooses to ban *The Watchmen*, the creators and publishers needn't turn tail and run. There are still thousands of readers elsewhere who have the right to buy and read that title.

If Saunders, Geppi, and company are so frightened by the current maturing of comics, if the puberty we are experiencing is so unsightly and threatening to them, why do they still offer offending titles? Because they know their customers would go elsewhere for the comics they want. That would hit them in the wallet. Even with the complications of "pre-ordering," if money matters outweigh their moral outrage, they're just pissing in the wind.

Which brings us back to DC's Nov. 7-Dec. 4, 1986 declaration of "Standards And Practices."

TO BE CONTINUED NEXT ISSUE. . . .

So How Are The Rents In Ireland...?

It looked ugly there for a while...but the IRS has revised its regulations with respect to creative professionals, and artists and writers aren't going to lose *quite* as much to the taxman as it seemed earlier this year.

The cause of the confusion and income-loss was the 1987 tax "reform" that redesigned the rules for writing off expenses (a process known as "capitalization" in tax jargon).

Prior to 1987, costs of creation—including research, travel, office expenses, and materials—were 100% deductible in the year the expenses were incurred, as long as the money was spent on creating material for sale.

Under the 1987 "reform", however, expenses could only be deducted *in the year that the project generated income*. Therefore, if you spent three years researching and writing a novel, *none* of the expenses could be deducted until the novel was sold and income was received. Worse yet, if the writer produced two or more projects, the expenses had to be split between them in the proper proportion. The result: a nightmare of paperwork and record keeping...and frequently for expenses that would never be fully deductible in any event.

What's more, the new laws required writers, artists, photographers, and sculptors to *predict* their income—to state in advance how much their projects would eventually sell for. If the creative person overestimated that income, and thereby paid too much withholding, the IRS would eventually refund the difference (held for as long as three fiscal quarters at 0% interest, of course). If the creative person *under*estimated, the IRS could demand the balance immediately, and charge a penalty to boot. For the non-psychic, this presented the classic "no-win situation."

The new regulations, released by the IRS in mid-May, loosen the ropes, but they don't release the hostage. Expenses will now be *partially* deductible in the year they are incurred (50% in the first year, 25% in the second year, and 25% in the third year), even if the project doesn't generate income of its own. The record-keeping and paperwork requirements have been reduced as well.

Bottom line, according to the Associated Press summation of May 14: if you have production expenses associated with film, recordings, books, photos, paintings, sculptures, or other "fine-art products," you can take advantage of the new capitalization guidelines. Eligible expenses include business travel, depreciation, equipment rental and repair, labor, and office overhead (but consult your tax accountant before attempting this trick at home).

Even if you've already filed your tax return for this year, you can file an amended return and take advantage of these new rulings on your 1987 income tax.

Let's hear it for America's support of the arts.

send your letters to:

WAP!
1879 East Orange Grove Blvd.
Pasadena, CA 91104

Dear People,

Questions about copyright were raised in WAP! #2, and I thought I'd pass on what I've learned in the course of dealing with copyright over the past few decades--and in the course of attending a copyright seminar in March 1984.

As the anonymous rumors columnist indicated, the term "work for hire" came into use when the revised copyright laws went into effect. "Work for hire" is simply the official term used now for practices that had existed for years and years; they just hadn't been called "work for hire."

Think for a moment of motion pictures. If you want the right to offer for sale a videocassette of **Gone with the Wind**, you don't negotiate with screenwriter Sidney Howard or the original novelist, Margaret Mitchell. You dicker for the 1939 movie with the current owners of the David O. Selznick property. The people who worked on it did work for hire, except for Mitchell, who licensed the property to Selznick. It just wasn't **called** "work for hire." As you'll also note, work for hire predates the '40s.

What tended to happen is--especially in the case of people who were paid a salary to write--the money received by creators was assumed to include payment for all use of the work created. On some occasions (many of them well-known to this audience) this came as a shock to the creator. When the laws were revamped, they were designed to make the transactions clear from the beginning. Now, as implications of the law become fixed in law by precedent, things are getting complicated again, and it is still possible to lose rights by signing contracts that give some of those rights away by: 1) not allowing for expiration of restrictive contracts, 2) tying up all rights of publication, or 3) putting in "work-for-hire" details that restore to the employer some of the rights he would have had under an actual "work-for-hire" contract.

Please don't interpret this to mean I completely disapprove of signing away some rights; unless they publish their own work, creators will almost certainly be willing to give up some rights in order to be paid for what they do. Stephen King gives up some rights to what he does in authorizing his publisher to publish his work. And publishers do invest vast chunks of money up front in expectation of return of that money--expectation that is not always rewarded--and ask in return for some rights.

(For example, suppose Unknown Author A produces an excellent book, one which could sell very well if the reading audience became aware of it. Publisher A sees the manuscript, likes it, and gambles an enormous chunk of cash to promote the book so that audience will become aware of it. Publisher A flies the author on an around-the-country book tour, hires the nation's foremost package designer to make the book as attractive as possible, hires a major cover artist to do an extraordinarily eye-catching jacket, has the company's top editor smooth out such spots as the variation in character description of Lucille, who is a blonde in chapter one and a brunette in chapter 17, and generally knocks itself out to turn a rough manuscript from Unknown Author A into something that sells very, very well. If, once it is selling well, Publisher B can go to the author and say, "Now sell *me* one-time rights to your Super-Popular Novel and don't permit Publisher A to get any more out of it from today on," Publisher A is sunk. *And* Publisher A is going to be a lot less likely to help Unknown Author B to do *anything*. So it isn't out of line to cede some assurances to a publisher that it has some auxiliary rights to material it buys from creators.)

Let me summarize some copyright wisdom picked up in the course of perusing the law as it stands.

Copyright comes from the Constitution, Article I, Section 8, 8: "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

There is a balance between the creator and the user. The *reason* the author and inventor have rights is the promotion of progress. The creator has exclusive rights--but *not* to the exclusion to the public's right to have access to it.

The bundle of rights given by copyright are the rights of: reproduction, adaptation, publication, public performance, and display by transmission.

The new law went into effect Jan. 1, 1978, which replaced the law passed in 1909. Under the old law, material wasn't fully protected until it was registered with the Copyright Office. Now the creator owns it *as soon as it is fixed in tangible form*, unless it was work for hire. If it was done as work for hire, the publisher must have a signed statement from the creator saying it is a work for hire, and the statement must be made before the item is published; otherwise, purchase is assumed to be for a one-time use. Physical ownership of art, photos, manuscripts, etc. does not confer the right to publish or show such material. Copyright is separate and distinct from possession of material. A fan who buys an original drawing from a pro cannot print it without permission.

I won't get into digressions such as that facts aren't protectable but a compilation of facts may be... Or that *ideas* are not copyrightable... (see below.)

Copyright law does *not* protect symbols or titles; trademark law does. A trademark is a word, symbol, or phrase which has come to represent a service; its use involves consumer identification. Trademark comes from use, not registration; registration simply grants added rights. You don't have to check with Washington to put a "TM" by your character's name; but you won't be on a list that stops anyone else from using that name. When you register a trademark, the process involves a search by an attorney and a lot of other hoohaw—but then no one else can use that trademark. You can also trademark the design of your logo (that is, the lettering style, not necessarily the word itself). It's a field that's complex enough I don't even want to think about it any more today.

You *patent* an idea.

You *copyright* a work of authorship.

You *trademark* a symbol.

For works created after January 1, 1978: the term of copyright protection begins *with the moment of creation* and lasts for the creator's life plus 50 years. When it is a a co-created work (as is the case with most comic-book work), the term is for 50 years after the last surviving creator's death.

For works created after January 1, 1978: The term of copyright protection for works for hire, anonymous, and pseudonymous works (unless the creator registers them in his/her name with the Copyright Office), is 75 years from publication or 100 years from creation, whichever is shorter.

Once a work goes into public domain, it stays there.

Copyright used to be taken for a 28-year term, renewable for another 28 years. If the copyright says 1959, its term expired in 1987, unless it was renewed. *If it was renewed in 1987, the renewal was for 47 more years, not a mere 28 more years.* If the copyright was taken out in 1928 and renewed in 1956, that renewal was extended by the new law to 47 more years—making it expire in 2003. (There was an interim during which nothing went out of copyright, while Congress was rewriting the copyright law.)

We now have an advancing time of copyright expiration for material that was protected prior to 1978.

Material copyright 1911 *and renewed* went into public domain in 1986. Material copyright 1912 *and renewed* went into public domain last year. Material copyright 1913 *and renewed* is still protected until the end of this year.

Copyright is lost by publishing without a copyright notice. These are the only correct forms:

© *year owner* (© 1988 Krause Publications, Inc.)

Copr. year owner (Copr. 1988 Krause Publications, Inc.)

Copyright year owner (Copyright 1988 Krause Publications, Inc.)

© *owner year* (© Krause Publications, Inc. 1988)

Copr. owner year (Copr. Krause Publications, Inc. 1988)

Copyright owner year (Copyright Krause Publications, Inc. 1988)

If you add the words "All rights reserved," you technically protect the material more fully in specific situations.

You need not register your materials with the Copyright Office to have copyright. When *do* you have to register it? To correct an error in the published notice; to respond to a demand from the Library of Congress, which has the right to make such a demand; and/or to bring a suit for copyright infringement. (You can't bring suit without registering; you can register it as late as the day before you bring suit, but you can't get attorney's fees and statutory damages for infringement in the time between publishing and registration.)

Copyrighted material can be used without payment, based on a four-pronged judgment: 1) criticism [e.g., movie clips in the course of a review]; 2) academic approach [e.g., study of facts]; 3) analysis and comment [e.g., parody is fair use]; 4) news reporting [e.g., if it has news value, it can be used].

The less used, the better off the user is, as far as fair use is concerned.

If use of the material whets the reader's appetite to purchase the work, it's probably fair use.

Copyright questions are answered in Washington at this number: (202) 287-8700. I have *often* found this number to be busy. The law is new and there is not a large body of cases yet. There are four potentially helpful publications available from: Copyright Office, Library of Congress, Washington,

D.C. 20559. They are: 1) Public Law 94-553 (the actual copyright law); 2) Circular R1 (copyright basics); 3) Circular R99 (changes in the law); and 4) Circular R22 (investigating the copyright status of a work).

Incidentally, the copyright registration form for what we think of as comic books is of fairly recent existence, and I can't recall the form number. But it exists to copyright simultaneously a work with lots of text and lots of pictures. I'm sure some other WAP! recipient must know the form number.

I'd go on at greater length, but everyone must be getting pretty tired of this for now.

I'd also like to suggest at some point some of the services freelancers in the comics industry need but don't yet have—but that'll be grist for the mill some other day.

Best,
Maggie Thompson
Iola, WI

WOW!

WAP! strikes like a bolt of blue-white lightning, illuminating the dark and gruesome landscape of the funny-book business, exposing the great mountains of formerly hidden crapola for all to see.

Not a pretty sight, yet a fascinating one. And the gloom is relieved by such inspiring bits as the Christy Marx piece describing her travails, and calling for concerted action. If ever it will be possible for comics freelancers to band together for our rights, your publication could be the unifying nexus.

Anyway, count me in! Enclosed is my application for a freelancer's subscription. (I hope you don't mind that I photocopied it, since I want to preserve the issue intact.) I would also like to contribute stories and art, but that will have to wait as my schedule is jammed-up right now.

I share studio space with Lea Hernandez, who was the uncredited special-effects letterer for the first several issues of *Xenon* (a scandalous story in itself) and is now doing both lettering and pencilling work for Eternity. She's too broke to subscribe right now but has a story to contribute towards your upcoming "self-publishing" feature. You should be hearing from her soon.

P.S.: I thought "RFH" stood for "Refuse For Hire!"

Sincerely,
Scott Bieser
Dallas, TX

...From my one experience with comic book editors, I think comics freelancers would do well to ask comics publishers for a practice that is now standard in most book publishing: the opportunity to review the edited script and make suggestions. In my own case, I would have asked for a couple of different deletions than the First Comics editor made, and if he still preferred his own suggestions, I would've asked for an additional deletion of a bit of dialog that seemed unnecessary after his deletions. Mind you, this would not have made my script a great piece of art, but it would've made it a tighter story.

Will Shetterly
Minneapolis, MN

...I like the idea of such a publication and the first two issues touched a nerve. With so much at issue in this profession of ours it is important for many "Davids" to have a forum addressing the "Goliaths" of the world. I hope WAP! will be that forum.

Shel Dorf
San Diego, CA

Good to join you! However, I'd like to see more-- specifically names/companies mentioned in the rumor mill (being only a letterer, most of what was in #1 didn't mean much to me).

Also, as regards lettering, what is industry standard for reimbursement on reprint material (if any) for creator & company-owned material? Can letterers and colorists contribute? I'd like to. Let me know.

Bob Pinaha
Sayreville, NJ

Dear Steve:

You asked me to put our request for an apology and retraction in writing today, which I'm happy to do; we'll also take this opportunity to explicate the nature of our grievance.

After being apprised that the first issue of WAP contained a thinly veiled but unmistakable slur against Fantagraphics Books and the Hernandez Brothers ("Love and Empty Pockets" Dept), Kim Thompson called editor Steven Grant and requested a copy of the newsletter.

Grant read the item to Kim over the phone, claiming that it was preceded by "it is rumored that..." or words to that effect. (This claim turned out to be false, and was apparently a stalling tactic on Grant's part to avoid being confronted more directly with the falsity of WAP's insinuation.)

At that point, Kim denied the story (rumor) in its entirety. Kim demanded a retraction, which Grant agreed to do.

The claim that Jaime and Gilbert Hernandez are so poorly paid that they have to work as laborers on our house is a complete and total lie. It is no secret, though totally irrelevant to the fabrication printed in WAP, that we have employed other Hernandezes in various capacities: one

brother, Mario, who does not do comics for a living and is a carpenter by trade has done work for us in that capacity. Another brother, Ismael, worked in our office as a typesetter. Mrs. Hernandez almost did some translating for us at one time. But none of this, it seems to us, is anyone's business, and has nothing whatsoever to do with Jaime and Gilbert, who derive their entire income from writing and drawing.

We realize that errors occur when publishing a magazine or newsletter of topical interest, but it is quite clear to us that the tone of the "rumor" -- indeed, the tone of the whole issue -- clearly reveals that the WAP editorial staff delights in maliciously and irresponsibly printing items that are completely untrue, severely distorted, and probably harmful to the victims -- possibly in the mistaken belief (voiced by Steve Gerber, who seems to be the only adult in the bunch, and should know better) that not using actual names is a legal (if not ethical) safeguard.

We know the difference between journalism that strives toward a reasonable standard of objectivity and advocacy journalism that imposes an interpretive spin on events, but there are certain clear standards applicable to both -- a respect for factual accuracy being of foremost importance. The bulk of WAP, including the two front-page essays on the Friendly Frank prosecution and the Sim-Diamond dispute are error-ridden, badly researched, and indulge in tendentious distortions of fact. Frankly, if any of our journalists or critics had turned in an opinion piece one-tenth as error-ridden and malicious as most of WAP, we would have fired him on the spot.

A newsletter for cartoonists could probably be a worthwhile endeavor, but WAP in its present editorial incarnation is nothing more than a mean little propaganda sheet. We think you owe an apology not just to Fantagraphics Books and the Hernandez Brothers and every other professional in the business whom you unfairly (and anonymously) maligned, but to the comics profession as a whole.

You will be apprised of the many other errors of fact that riddled WAP #1 in the pages of the next COMICS JOURNAL.

Cordially,
Gary Groth
Westlake Village, CA

cc:
Mr. Frank Miller
Mr. Steven Grant
Mr. Dick Giordano, DC Comics
Mr. Tom DeFalco, Marvel Comics
Mr. Dean Mullaney and Ms. Cat Yronwode, Eclipse Comics
Mr. Rick Obadiah, First Comics
Mr. Bob Schreck and Ms. Diana Schutz, Comico Comics
Mr. Denis Kitchen, Kitchen Sink Comics
Ms. Deni Loubert, Renegade Press
Mr. Don Thompson, Comics Buyer's Guide
Mr. Dave Sim, Aardvark-Vanaheim
Mr. art spiegelman, RAW Books
Mr. Bernd Metz, Catalan Communications
Mr. Neal Adams, Continuity Graphics
Mr. Randy Stradley, Dark Horse Comics
Mr. J. Michael Catron, Apple Comics
Mr. Mark Nevelow, Piranha Press
Mr. Bill Marks, Vortex Comics
Mr. Bill Sienkiewicz
Mr. Steve Bissette
Mr. Sergio Aragones
Mr. Frank Mangiaracina, Friendly Frank
Mr. Steve Geppi, Diamond Distributor
Mr. Bud Plant, Bud Plant Distribution
Mr. John Davis, Capital Distribution
Mr. Buddy Saunders, Lone Star Comics
files

Folks,

I'd like to thank you for forwarding me copies of your newsletter. I'd like you to know that I support you in your efforts to create a business-oriented "grapevine" within the freelance community. The newsletter has certainly generated a lot of reaction and talk within all areas of our business and seems to be having the effect you intended. It's good for all of us to know--and certainly for the publishers and distributors to know--that there is a segment of the creative community who like to be dealt with in a businesslike and ethical manner (just as they would like to be dealt with), who want to both make a living *and* be creatively gratified by pushing at the limits of our art, and who aren't content to set behind our desks writing or drawing whatever characters they hand us "even if we never got paid for it".

While I've certainly learned to be very cautious when reviewing contracts I'm presented with, I try to never enter negotiations where I catch myself thinking of the publisher as an "enemy". To keep business from becoming combat, there has to be a system of equalizations in motion. For most businesses, there are guilds or unions that function as forces of equalization. Our field started gaining an equilibrium when independent publishers arrived, offering creators an array of creators rights and ownership options the likes of which had existed in most other creative fields for decades. Larger publishers, used to calling the shots for so many years and worried about "losing" their freelancers to this new movement, finally had to come up with their own somewhat comparable programs. As long as the independents exist and are in place and are reasonably healthy, the larger companies will have to offer us programs comparable to those of the smaller companies--particularly those smaller companies which have broad-based creator ownership programs in effect.

Creative "packaging" groups

also help ensure equalization in some way. When a publisher is dependent on a more or less singular source for a number of books or stories, then that publisher is more inclined to treat freelancers who are in regular contact with the packaging organization in a more businesslike manner. One reason Charles Dixon and I created the 4Winds Studio was so that publishers would have to deal with a body of creators, all of whom are involved in a creator ownership setup, when negotiating with us for a project. And the people who help us develop projects always own a "piece" of it which accurately reflects their involvement and input in its creation.

I'm pointing all this out to give you a better idea about my feelings concerning your newsletter, and why I wish you well. WAP! is another step towards maintaining the equalization we have and getting even more, all of which will help us function in a fairer marketplace. It is particularly effective in addressing the gripes of "upper level" or more established creators. I hope that in the future it will also more vocally express the concerns of lesser-known cartoonists and inkers, as well as letterers and colorists, the latter of whom are considered particularly "expendable" by editors and publishers but who we know are vitally important to us in the overall effect our work will have on our audience.

Another important attitude that seems to be presenting itself in your pages is the realization (particularly among some of the more recognized creators) that we produce work that we *own*, and ensure ourselves many avenues through which this is possible.

Anxiously looking forward to hearing the response to your Self-Publishing Issue--if for admittedly selfish motives. 4Winds has finally reached a goal it set for itself at its inception and inaugurated 4WINDS PUBLISHING, which will produce graphic novels and non-genre art prints. Our focus is on an upscale format (no posters or funny books, please). The enclosed illos are a couple of things we currently have on line which I had laying near the desk as I prepared this.

We are leading the line off with three graphic novels reprinting some of the finest and most innovative graphic stories from Europe and South America, with the release of each one scheduled in such a way that retailers aren't getting oversaturated with our particular items, but which will also establish a regular, comfortable flow of books that they can expect and deal with.

The first of these will be *Moving Fortress*, written by Barriero and illustrated by Alcatena. *Moving Fortress* will be published in two volumes, and is a bizarre, violent, and artistically stunning work that a friend of mine calls "a Michael Moorcock Fantasy for adults."

The reprint volumes will help support original material that we plan to do later, many of which will be historical works not specifically directed at the comics market. We will also continue functioning in a freelance role for other publishers, using our 4Winds Publishing organization for special graphic novel projects. WAP! is going to prove an important information sharing system for those of us who are making a go at self-publishing. I wish all those engaging in similar endeavors the best of luck and all success.

As most of my extra time and cash is involved in setting up our publishing house at this point, please accept my apologies for not sending a check this time around. Of course, I do not expect any more free samples from you at this point. I'll try to catch up with you as soon as I can.

P.S.: I strongly suggest you send a few copies of the newsletter to The Graphics Guild of NYC. They've recently set up a new division for cartoonists, and assisted Don Martin in his recent skirmish with MAD. They have branches in every major American city, are lobbying in Congress to do away with the Work For Hire program, and offer a group health plan and free legal aid to members. The only problem is that so far they've only been helping magazine and newspaper cartoonists, and don't seem to be aware of the concerns of comic book creators. WAP! might certainly open their eyes, and hep us establish a dialogue with them. Eh?

Adios, and best of luck,
Timothy Truman
Lancaster, PA

Remember: WAP! is Electronic!

If you own a personal computer and a modem, you can contact WAP! electronically.

A special message folder and file directory for WAP!-related communications is now open on The Writer's Exchange bulletin board system in Los Angeles – accessible exclusively to comic book freelancers. You can register as a user of the Writers' Eschange; just have your modem call our modem at (818) 843-7898. The service is free, excvept for the phone call...and remember, all comic book freelancers – not just writers – are welcome.

Putting together this 24-Page Giant has delayed the launch of a similar service with CompuServe Information Service . But watch for details in the next issue of WAP!, and on the Comics & Animation Forum on CIS.

tling speech -- the fact that the only message he had to relay through my administrator, Karen McKiel -- was that he was unhappy that a benefit issue of The Puma Blues was being prepared to offset the loss incurred by his decision to no longer carry the book. Naturally enough she referred him to Stephen Murphy and Michael Zulli. The fact that he said not a word about no longer carry Cerebus indicated to me that I was dealing with a very low form indeed of political life. The form that talks tough publicly and among his peers, but who, in private conversation with his opponents, vacillates, pleads, is obsequious, compromises the approximations he uses for views and ultimately retreats from his position, leaving the public record of his tough talk to bear mute testimony to a mythological force-to-be-reckoned-with that has never and will never be.

It was the unanimous support expressed to me by the loosely knit coalition of self-publishers and soon-to-be self-publishers that has encouraged me to find a political solution to this problem creators call Diamond Comics Distributors.

Our coalition, though mere weeks old, already goes by many names.

The Gang of Twelve.

The Government of Associated Self-Publishers.

The Allied Publishing Cartoonists.

The Superman Revenge Squad.

The roster consists of myself, Gerhard, Kevin Eastman, Peter Laird, Michael Zulli, Stephen Murphy, Steve Bissette, John Totleben, Bill Sienkiewicz, Dave Gibbons, Frank Miller, and Alan Moore.

Lest anyone get the idea that I'm the toughest nut to crack out of this bunch, let me say that Frank Miller's suggestion -- I hope it was a joke, but with Frank you can never really tell -- was that the twelve of us should kill Steve Geppi. His reasoning being that if we were convicted and sent to prison, we could start a riot, get thrown into solitary confinement and there...

We could at least be free of all these moronic distractions and devote ourselves without interruption to the telling of stories.

Leaving Frank's suggestions aside -- much as it pains me to do so -- I have arrived at the conclusion that Diamond Comics, like anyone else, has to be treated fairly. As comic book creators, we are unanimous in this view -- even Frank, deep down inside.

© 1988 Michael Zulli

We bear in mind, however, that for fifty years the business community has treated the creative community with total contempt, while paying lip-service to appreciation. This must come to an end.

This will come to an end.

If the twelve people I have named were asked to choose at this point in time between soliciting Diamond Comics ever again as distributors for their creative work or making-do with the remaining distribution network, a clear majority of us would be opposed to ever again dealing with Diamond. None of us had any reservations about dealing with any of the other distributors currently controlling the direct sales market. Particular appreciation was expressed for Capital City and Bud Plant Inc., for non-interference in the creative freedom of the Direct Sales market place despite substantial economic leverage.

A minority of the members of our group would vote to continue shipping to Diamond if asked today to make a decision. I conducted my informal poll over the last week (May 2nd to the 8th).

Between July 1st, 1988 -- the one hundred and twenty-first anniversary of Canada -- and July 4, 1988 -- the two hundred and eleventh anniversary of the United States -- at a summit conference in Toronto, Ontario, Canada, these twelve people will debate a motion to withdraw our work from Diamond Comics' distribution network.

We are confident that whatever the outcome, Diamond Comics will continue to thrive with or without our modest and marginal share of the direct sales market.

Those of us who have worked with you in the past thank you for your support of creative freedom.

Those who will be working with you for the first time beginning later this year relay their greetings and good wishes.

On May 11, Maggie Thompson of *The Comics Buyer's Guide* informed Frank Miller that distributors and retailers who had heard the speech actually believed he was threatening Geppi's life. Miller immediately sent the following letter to Geppi:

Dear Mr. Geppi:

Maggie Thompson has informed me that Dave Sim's quotation of a bad joke by myself has caused you alarm. Please understand that the crack was made during an ungodly hour of the morning, when I was very tired and aggravated to have lost several days of work time over Diamond's conflict with Aardvark-Vanaheim. The crack was in utterly poor taste. Please accept my profound apologies.

I have made a public statement to *The Comics Buyer's Guide* to this effect, and will do the same in WAP!, the freelancer's newsletter.

This conflict has been an unfortunate one, and it could be a costly one for all of us. I'm told by several sources that Diamond wishes it to end without further threats and retaliations from either side. While I cannot speak for anyone but myself, my feeling is that it could be resolved by a single statement from Diamond, clearing up the matter. Does Diamond plan to refuse to carry Aardvark-Vanaheim's books? I sincerely hope that your remarks at the Diamond Seminar were as much a product of fatigue and aggravation as was my stupid and much-regretted joke.

If so, please send a statement, however brief, to me. I will see to it that it will run unedited in WAP!

We have nothing to gain from further confusion and hostilities.

Thanks you for your attention to this matter.

Regards,
Frank Miller

On May 12, Geppi responded:

Dear Frank,

Thank you for your letter. I very much appreciate your prompt handling of the Dave Sim quote and the opportunity it gives me to finally communicate with you directly.

For the record, I tried to call you a couple of weeks ago in an attempt to open the lines of communication between us. You were busy or out so I left a message for you to call on your recorder.

In addition to telling you my side of the Dave Sim story, I had planned to tell you personally of the other, more important announcement I made at my seminar. Perhaps by now, you have already heard that Diamond will be opening up its product lines to include many never before carried items. Items such as Catalan Publications, *Yummy Fur*, *Omaha*, etc. In addition to this I made it clear to my accounts in the most recent *Diamond Dialogue* what the criteria would be for carrying or not carrying an item. I have enclosed a copy and believe you will find it to be self-explanatory. However, should you have questions concerning this, I would very much like to speak with you directly so that I can answer any question you may have and perhaps assure you of Diamond's intentions as it relates to this new positioning. I would like the opportunity to explain what prompted the Dave Sim situation and my subsequent action.

Even now, despite the lambasting I was given at the Capital Sales Conference in Dave's speech, I am still willing to go on record as stating that Diamond intends to carry all Aardvark-Vanaheim and Aardvark One International publications should they be offered to us.

I did indicate publicly at my seminar that I was prepared not to do so should *The Puma Blues* benefit issue turn out to be a deliberate attempt to embarrass or ridicule my company. I am sure you can understand my not wanting to help finance my own humiliation. Not being able to speak with Dave Sim directly, I took the initiative to call Stephen Murphy and had a very pleasant and reassuring conversation wherein he calmed my fears about the benefit issue and assured me that it was in no way their intention to embarrass Diamond. He even indicated that he would be willing to clarify this, if necessary, in a press release if this perception existed. I wish I had talked to Stephen sooner so this whole situation might have been avoided. However, what's done is done and I have no desire to prolong this issue.

Please inform your fellow creators that Diamond will continue to carry all Aardvark publications and that the issue is closed as far as we are concerned.

Frank, in the future, I would like for you to view Diamond as an ally and not an adversary. The comic industry is growing in leaps and bounds and there is no need for the past to slow our progress down. Your creative freedom need not be threatened by Diamond, Steve Geppi, or anyone else. I would like to assist you in your endeavors.

Best,
Stephen Geppi

concluded on next page

CEASE FIRE, cont'd from page 13

The entire Geppi/Sim brouhaha provides an excellent model for how freelancers *must* deal with threats from distributors in the future, whether those threats center upon purely economic concerns, as in the *Puma Blues* matter, or on issues of creative freedom.

By standing up to Diamond's threat not to distribute *The Puma Blues*, Aardvark-Vanaheim has shown us that publishers *do not* have to leave freelancers in the lurch whenever a distributor complains, whether about a marketing practice or the content of a particular book. It's a lesson we wish those lumbering, helpless giants in New York would learn.

By rallying to the cause of *The Puma Blues*, freelancers demonstrated once again, as in the ratings battle with DC, that they can have an effect not only on the artistic direction of the medium, but also on business practices industry-wide. It's something we should have known all along.

Steve Geppi's conciliatory letter to Frank Miller, if it can be taken at face-value (and we hope it can), illustrates a couple of points, as well. Distributors *can* learn from their mistakes and perhaps even come to appreciate that they share more than a few interests in common with freelancers.

Whatever "the next *Dark Knight*" happens to be, you can bet Diamond will want to distribute it. And the artist and writer who create that next mammoth success will want to see it circulated as widely as possible. With so many freelancers entering the field of self-publishing, it makes much more sense for us to have the distributors on our side -- and for the distributors to realize that our side *is* their side.

An Apology...

A serious omission occurred last issue and it's entirely my fault. I wrote a lengthy article about *The Sisterhood of Steel* and never once mentioned my artist, illustrator, painter, collaborator and creative partner, **PETER LEDGER.**

It's bad enough that I should, as the writer, fail to acknowledge the artist. It's worse yet when the artist is so vital to the integrity of the book: his meticulous attention to detail, his glorious colors and imagination, his encyclopedic knowledge of all facets of the ancient world on which I depend so heavily.

The Sisterhood of Steel is by Moonfire Productions and Moonfire Productions is Christy Marx AND Peter Ledger.

Peter, my love, I humbly apologize.

Christy

THE COMICS FREELANCER'S LEXICON

As comics have grown into a big-money industry, a companies battle for a lock on the market, there has been a epidemic of jargon from editors, publishers, and the employees. To help the freelancer who wants to know what a editor or publisher is actually saying when he speaks, w present this jargon-English dictionary. We welcome ad tions, and will update this lexicon in each issue of WAP!

BAKE-OFF (*bayk*-awf) *n.*: the practice of offering project to more than one freelancer, having them prepare samples, and selecting the version the publish likes best. *cf.* DC Comics. "We need to revamp BRA AND BOLD. Let's have a bake-off to see who should it."

DICK (*dik*) *v.*: to glad-hand while refusing to mak decision on the status of a project. "The editor dick around while we waited for a go-ahead on our mi series."

LEGEND (*lej*-end) *n.*: See *Genius* (WAP! 1).

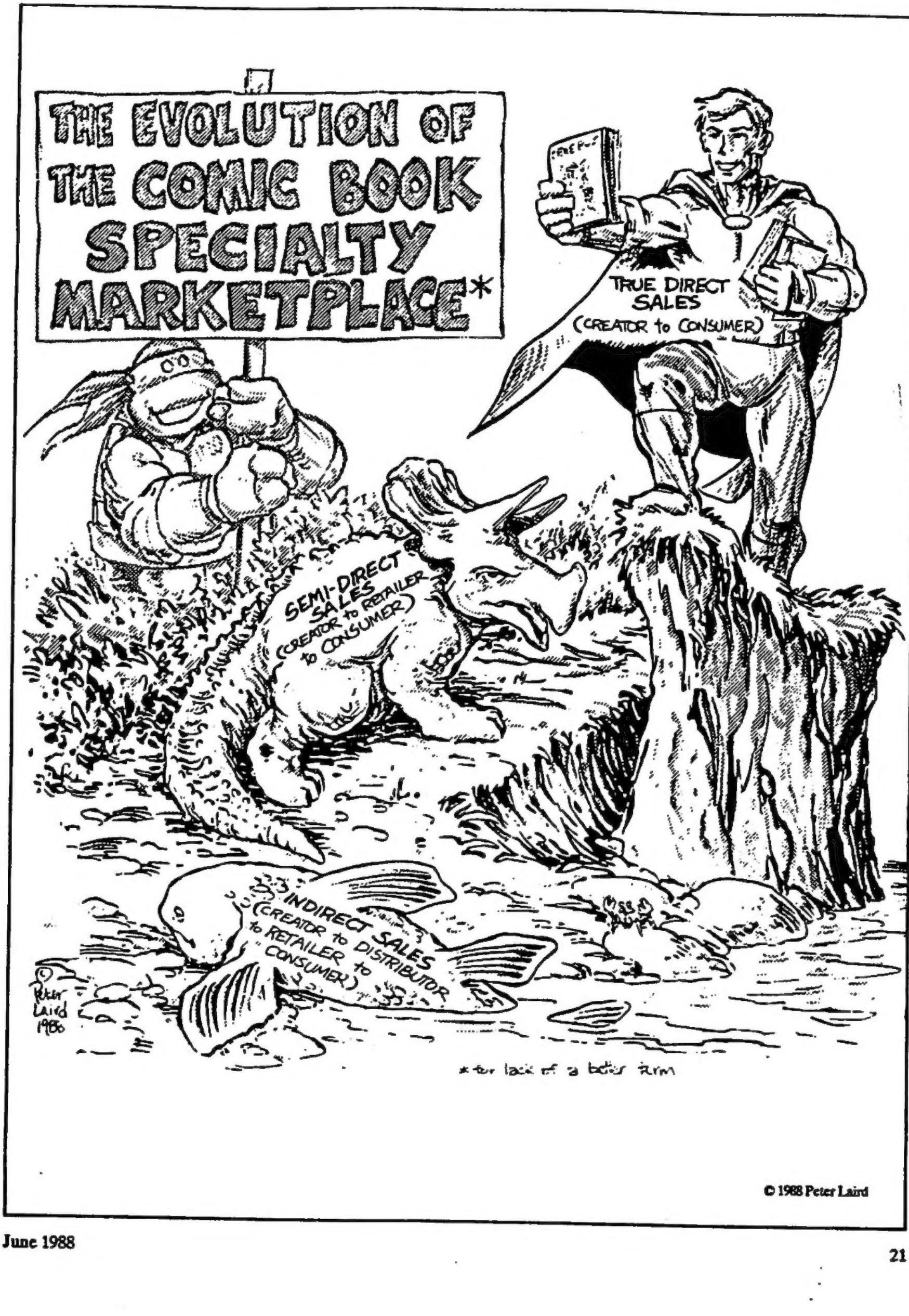
PRESTIGE (pre-*steezh*) *adj.*: 1) grossly overpric with regard to content and significance. 2) [*rare*] havi sufficient style, complexity and originality to merit panded length and high production values. "The pr tige format sells itself."

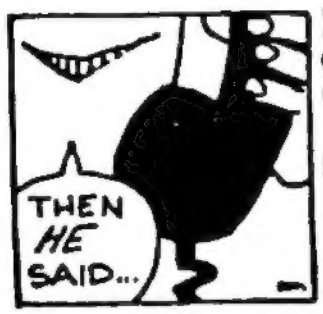
PROFESSIONAL (pro-*fesh*-o-nal) *n.*: a person w lives by the company's terms and accepts the company judgment unquestioningly. "If you want the editors t treat you like a professional, you have to act like a profes sional."

PUBLISHORIAL (*pub*-lish-*or*-i-al) *n.*: stateme printed in a comic book that represents the views of t publishor (not to be confused with publish*er*).

SPECIAL (*spesh*-al) *adj.*: guaranteed to sell with effort or investment in promotion by the publish "This project isn't special enough. I want something t a really special artist."

YOUR (*yoor*) *adj.*: our. "As long as you're workin on this book, you'll have complete control over wh happens to the characters and where they appear. Think of them as *your* characters."


THE EVOLUTION OF THE COMIC BOOK SPECIALTY MARKETPLACE*
TRUE DIRECT SALES (CREATOR to CONSUMER)
SEMI-DIRECT SALES (CREATOR to RETAILER to CONSUMER)
INDIRECT SALES (CREATOR to DISTRIBUTOR to RETAILER to CONSUMER)
© Peter Laird 1988
* for lack of a better term
© 1988 Peter Laird



RUMORS AND INNUENDO

"BURYING CAESAR, PT. 2" Dept.: This is something one of our subscribers wanted us to ask. According to him, at a British convention a couple of years ago, now Marvel editor-in-chief Tom DeFalco went on record as saying that when Martin Goodman sold Marvel in 1969, Stan Lee, Jack Kirby and other creative types "soaked" (to quote DeFalco) Goodman for huge sums of money in exchange for signing over to him all rights to the characters. The story goes that DeFalco claimed this information came from Stan The Man himself, but upon questioning, Lee was bewildered and said neither was the story true nor did he ever relate it to DeFalco. What our reader would like to know is: Do Tom's scripting chores on THOR prevent him from finding the time to issue an apology to two men without whom there would be no Marvel Comics today, or is this still Marvel's official position on Lee and Kirby?

"HOW TO SELL COMICS AND INFLUENCE PEOPLE" Dept.: We'll call him MR. A. He's the sales rep for THAT LITTLE PUBLISHING COMPANY and a writer for THAT FANZINE, and he seems to have made QUITE a splash at the recent Capital City Distributors meet for publishers and retailers in Madison, WI. The story goes that instead of hawking LITTLE's books, he spent most of his time telling anyone who'd listen about his desire to take a baseball bat to MR. B, a well-known middle aged man with a heart condition, or to shove MR. B into the hotel swimming pool. He also pestered a couple Capital employees as to where he could buy a shotgun between Madison and the small mid-Wisconsin town where MR. B lives and works. Later, MR. A had to be forcibly ejected from a closed meeting to which he had not been invited. But wait! That's not all! At the fringes of an admiring crowd around the beautiful, willowy blonde wife of a spirited publisher, MR. A was spotted reaching into what was described to us as "the pocket of his CIA look-alike grey nylon leisure suit" and pulling out a tape recorder that had just loudly clicked off. He turned the tape over, switched the recorder back on, and slipped it back into his pocket. Hey, MR. A! You'll get a lot more pleasure out of your Walkman

FANTAGRAPHICS BOOKS, INC.
4359 CORNELL RD. 818-706-7606
AGOURA, CA 91301

422

16-24/73
1220(7)

5-11 19 88

PAY TO THE ORDER OF WAP! $ 25.00

Twenty-five DOLLA

WESTLAKE VILLAGE OFFICE
WELLS FARGO BANK
2063 TOWNSGATE ROAD, WESTLAKE VILLAGE, CA 91361

WORKING CLASS HEROES OF THE MONTH AWARD:

This check came to us in payment for a subscription -- to be sent to a freelancer at his own address. We know Fantagraphics has too much integrity to try an egregious end run around our subscription rates, so we figure this must be the company helping out a freelancer who needs to keep abreast of developments in the industry. We applaud Fantagraphics' generosity and its commitment to keeping freelancers informed. We don't know if this represents company policy, but we're sure Fantagraphics scrupulously avoids favoritism. We therefore suggest that other freelancers who work for Fantagraphics contact the company and see if they'll pick up the tab for *your* subscription to WAP!

if you use headphones. Or wasn't it a Walkman?

"SYNCHRONICITY, PT. 1" Dept.: Why are so many top freelancers grumbling in the hallowed halls of BIG NEW YORK COMPANY these days? Seems the point of contention is all those paperback story collections BIG COMPANY is putting out, as much of the top talents' work is being passed over for much less popular series. Gee, guys, you might be taking this all wrong. Surely it's just a coincidence that so many of the collections reprint the work of the editors who selected their contents...

"OUT OF SIGHT, OUT OF MIND" Dept.: Another tale of BIG NEW YORK COMPANY. A well-known WRITER-ARTIST TEAM had been working on THAT TITLE since it became a regular book a couple years ago. Recently there was a little friction -- nothing terrible -- between them, and WRITER made the mistake of offering (*not* threatening) to leave TITLE if the problems couldn't be sorted out. (He didn't *want* to leave; he was just exploring the possibilities.) WRITER promised his CRACK EDITOR, if it came to that, to stick around for six months or so, so BIG wouldn't be left in the lurch. CRACK, however, was eager to collar MR. DOUBLE-THREAT, a popular artist-writer who had just defected from ANOTHER BIG COMPANY. So CRACK decided his chat with WRITER meant TITLE was up for grabs, and offered the book to THREAT, who took the job. But CRACK didn't tell WRITER or ARTIST that their assignment had been given away! ARTIST found out only when he called the office a couple weeks later to ask where WRITER's latest plot was. WRITER heard about it from ARTIST. CRACK's reason for not letting them know? He knew there'd be unpleasant conversations, so he decided not to bother...

"SYNCHRONICITY, PT. 2" Dept.: It went like this: last summer MR. MYSTIC, a well-known writer, gave THAT OTHER BIG COMPANY a popular mini-series, which generated a monthly spinoff. Things were going well until MYSTIC and his editor disagreed over how to handle a gay character, and MYSTIC left the book. OTHER BIGGIE was supposedly less than thrilled by this, and at Oakland, a company rep entreated MYSTIC to return to the book, holding out the possibility of major accommodations. *At just that moment*, MYSTIC was told by a distributor that he had already been replaced on the book by another writer... Speaking of OTHER BIGGIE, our contacts in distribution tell us BIGGIE's average sales are dropping off badly, even while they're pumping out new titles right and left...

"STEP OUT OF LINE, THE MAN COME AND TAKE YOU AWAY" Dept.: This message just in from COMIC UPDATE, an electronic newszine about small press comics, correspondence from Winnipeg small press artist-publisher Kenny Moran to artist-UPDATE editor Andrew Roller: "Andrew, I'm forced to give up publishing [your] *Fading Universe*, because Constable D. Johnson badge number 31629 of the Royal Canadian Mounted Police, Winnipeg District, knocked on my door and confiscated my *Nordic Funnies* and *Fading Universe*. They asked who Andrew Roller was and his address. But I said Andrew was an American writer. They informed me of the pornography law. Since I gave up the material and artwork they did not haul me in because of my co-operation with the law. But escaped with just a warning. With this new government that was voted in on April 26 they take a firm stand against pornography. Many publishers are screened and they happened to pick me. Unless they were tipped off." No target too small for the forces of decency, we guess...

SHORT NOTES: We're planning a special forum on self-publishing for a future issue of WAP! Any freelancers wishing to take part should contact us immediately. Shawn McManus to draw DOCTOR FATE monthly for Marc DeMatteis... Flint Henry to join John Ostrander on GRIMJACK... What's with all these stories we've been hearing about people quitting books? They all fit this basic pattern: a freelancer quits, and the editor immediately rushes out and tells everyone in the office how the freelancer was inept and got fired... Finally from New York comes the rumor that DC is again talking about a "prequel" to WATCHMEN, *sans* Moore and Gibbons, called WATCHMEN 0. True? We hope not. There are some things that man was never meant to tamper with...

We'd like to publicly apologize to the Hernandez Brothers for the "Love and Empty Pockets" item that appeared in the gossip column of WAP! #1; it was never WAP!'s intent to offend them. We consider *Love and Rockets* a major contribution to the body of comics literature, and its creators valuable members of the freelance comics community.

If this item insulted or embarrassed Jaime, Gilbert, Mario, or Ismael in any way, or if it contained any inaccuracies, we also apologize to the brothers for this.

We appreciate corrections of any and all errors of fact which slip past us into print. *Rumors and Innuendo*, however, is exactly what it purports to be: provocative tidbits that come to us through the grapevine.

WAP! (Words And Pictures) is published twelve times a year by RFH Publications, at 1879 East Orange Grove Blvd., Pasadena CA 91104. All contents © 1988 RFH Publications, except where otherwise indicated. WAP! logo © 1988 Bill Sienkiewicz. Subscriptions: $25.00/year (12 issues) for freelance professionals, $45.00/year (12 issues) for the general public, and $95.00/year (12 issues) for full-time employees and executives of publishing companies. All rights reserved. Reproduction without permission is strictly prohibited.

In This Issue...

Diamond Distributors agrees to carry all Aardvark-Vanaheim product, and will no longer decline to carry any comics because of content (page 1)

Aircel denounces nudity, violence, and "too much artistic freedom" (page 7)

Don't like Marvel's back-of-the-check voucher? Try WAP!'s Anti-Voucher (page 8)

Tax laws loosen (a little) for creative professionals (page 12)

Straight talk on how independent comics subsidize low prices for the "big books" (page 5)

Plus: Letters, Editorials, Apologies, Announcements and a Special Invitation

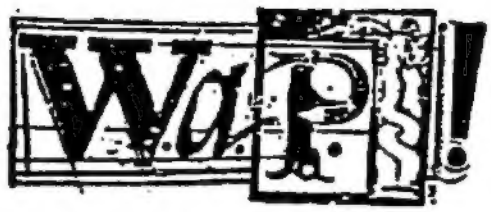
This Issue's Contributors

Mark Askwith
Steve Bissette
Christy Marx
Mike W. Barr
Peter Laird
Michael Zulli
. . . and anonymous sources

WAP! Editorial Board

Steve Gerber
Steven Grant
Frank Miller

Brad Munson, Publisher



1879 East Orange Grove
Pasadena, CA 91104